

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

LAUREN WINTERS,

Plaintiff,

Case No: 2:21-cv-11992

Hon.

United States District Judge

v.

Hon.

Magistrate Judge

MMI ENGINEERED SOLUTIONS INC., a Michigan corporation,  
and BOB HORNBECK, an individual,

Defendants.

\_\_\_\_\_/

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There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

### **COMPLAINT AND JURY DEMAND**

Plaintiff LAUREN WINTERS, by and through her attorneys, The Mark Sisson Law Firm, PLLC, by Mark E. Sisson and Stempien Law, PLLC hereby complains against Defendants MMI ENGINEERED SOLUTIONS and BOB HORNBECK, and in support thereof states:

1. Plaintiff LAUREN WINTERS (“WINTERS” or “Plaintiff”) is a resident of the City of Adrian, County of Lenawee, State of Michigan.
2. Defendant MMI ENGINEERED SOLUTIONS (“MMI”) is a Michigan corporation that has its principal place of business located in the State of Michigan.
3. Defendant BOB HORNBECK (“HORNBECK”) collectively (“Defendants”) is a resident of the State of Michigan and was employed in Michigan.
4. The events giving rise to this action occurred in the Eastern District of Michigan.



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5. Jurisdiction is vested with this Court pursuant to 42 USC § 2000e, et. seq. and 28 USC § 1331.
6. Jurisdiction is vested with this Court for the state law claims pursuant to 28 USC § 1367.
7. On or about July 15, 2021, the Equal Employment Opportunity Commission (EEOC) issued a Dismissal and Notice of Rights letter to Plaintiff.

### **GENERAL ALLEGATIONS**

8. WINTERS was employed with MMI as a customer services representative and shipping representative.
9. HORNBECK is/was employed with MMI as the General Manager for MMI.
10. HORNBECK was assigned as WINTERS'S direct supervisor.
11. During WINTERS'S employment, HORNBECK made repeated and unwanted sexual advances and comments toward WINTERS.
12. HORNBECK routinely violated WINTERS'S personal space by touching/grazing her inappropriately.
13. HORNBECK routinely made verbal comments that were sexual in nature.
14. HORNBECK has made comments in group meetings that were sexual in nature.
15. HORNBECK routinely followed around female workers staring at their rear ends.



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16. In April of 2019, WINTERS and HORNBECK worked together in the shipping office; during that period HORBECK repeatedly reached across WINTERS'S body touching her inappropriately.
17. In April of 2019, WINTERS was also working with another supervisor "Jane" who did not reach across and touch WINTERS'S body when training her.
18. On June 1, 2020, HORNBECK was working on site with WINTERS when an XPO driver delivered a load; Due to Covid-19 regulations the WINTERS was required to test the XPO driver for Covid-19 by taking his temperature; the driver asked if "it was taken orally"; WINTERS replied "No"; HORNBECK responded "that is not what I heard."
19. On June 2, 2020, WINTERS informed Ernie Augenbaugh, Defendant's Human Resources Representative, as to HORBECK'S sexual advances.
20. Mr. Augenbaugh informed WINTERS that he has been informed by other employees of HORNBECK'S sexual advances noting that HORNBECK was "creepy."
21. HORNBECK routinely made comments in group meetings that were sexual in nature.

**COUNT I**

**VIOLATION OF TITLE VII - SEXUAL HARASSMENT**  
**(against Defendant MMI)**



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22. WINTERS hereby incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.
23. At all material times, WINTERS was an employee, and MMI was her employer, covered by and within the meaning of 42 USC § 2000e et. seq.
24. MMI is a subsidiary of Kee Safety Group and thus part of an “integrated enterprise.”
25. WINTERS was sexually harassed by MMI’s agents and employees throughout the course of her employment.
26. The sexual harassment included, but is not limited to, unwelcome comments and conduct of an offensive and sexual nature directed at WINTERS and the creation of a hostile work environment.
27. WINTERS complained about harassment, discrimination, and the events described above to MMI’s Managers, Mr. HORNBECK.
28. MMI did not promptly remedy ongoing sexual harassment when Plaintiff complained.
29. MMI permitted sexual harassment to continue.
30. The conducts of MMI’s agents and employees in sexually harassing WINTERS constitutes sexual discrimination in violation of 42 USC § 2000e et. seq.



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31. As a result of the foregoing, WINTERS has suffered damages, including but not limited to: lost past and future wages, loss of earning capacity and severe emotional distress.

**COUNT II**  
**VIOLATION OF ELLIOT LARSEN ACT MCL 37.2101 et. seq.**  
**SEXUAL HARASSMENT**  
**(against both Defendants)**

32. WINTERS hereby incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

33. At all material times, WINTERS was an employee, and Defendants were her employer, covered by and within the meaning of the Michigan Elliot-Larsen Civil Rights Act, MCL 37.2101 et. seq.

34. WINTERS was sexually harassed by Defendants throughout the course of her employment.

35. This sexual harassment has included, but is not limited to, unwelcome comments and conduct of an offensive and sexual nature directed at WINTERS and the creation of a hostile work environment.

36. The actions of Defendants were intentional.

37. The conduct of HORNBECK in sexually harassing WINTERS constitutes sexual discrimination in violation of MCL 37.2101 et. seq.

38. As a direct and proximate result of Defendants' unlawful actions against WINTERS as described, WINTERS has suffered injuries and damages, including, but not limited to, potential loss of earnings and earning capacity;



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loss of career opportunities; loss of reputation and esteem in the community; mental and emotional distress; loss of the ordinary pleasures of life; and other injuries, damages, and consequences that are found to be related to the Defendants' acts that develop during the course of discovery and trial

**COUNT III**  
**BATTERY**  
**(against Defendant BOB HORNBECK)**

39. Plaintiff hereby incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

40. HORNBECK intended to cause and did cause harmful or offensive contact with WINTERS's person when he groped her buttocks.

41. WINTERS did not consent to HORNBECK's harmful or offensive contact.

42. As a result of the foregoing, WINTERS has suffered damages as fully set forth in the paragraphs of this Complaint.

**COUNT IV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**(against Defendant BOB HORNBECK)**

43. WINTERS hereby incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

44. HORNBECK's conduct as outlined above was extreme and outrageous.

45. HORNBECK intended to cause WINTERS emotional distress, or HORNBECK acted with reckless disregard of the probability that WINTERS would suffer emotional distress.



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46. HORNBECK's conduct caused WINTERS to suffer severe emotional distress.

47. WINTERS suffered severe emotional distress including suffering anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

48. HORNBECK's conduct was a substantial factor in causing WINTERS's severe emotional distress.

49. As a result of the foregoing, WINTERS has suffered damages as fully set forth in this Complaint.

WHEREFORE, Plaintiff, LAUREN WINTERS, prays that this Honorable Court enter judgment in her favor against Defendants, MMI and BOB HORNBECK, in an amount in that this Court deems fair and just, plus costs, interest, and attorney fees.

**JURY DEMAND**

Plaintiff LAUREN WINTERS hereby demands a trial by jury.



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Respectfully submitted,

THE MARK SISSON LAW FIRM, PLLC

/s/ Mark E. Sisson

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Date: August 26, 2021

**Proof of Service**

The undersigned certifies that the foregoing instrument was served upon the attorneys of record of all parties to the above cause by mailing same to them at their respective addresses (and/or facsimile numbers) as disclosed by the pleadings of record herein, on August 26, 2021. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

<input type="checkbox"/> U. S. Mail	<input type="checkbox"/> Facsimile
<input type="checkbox"/> Hand Delivered	<input type="checkbox"/> UPS
<input type="checkbox"/> Airborne Next Day Delivery	X E-filing

Signature Alex N. Dupuis  
Alex N. Dupuis



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